

S/N 10038639

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SCHERER et al. Examiner: Donald H. Heckenberg, Jr.
Serial No.: 10/038639 Group Art Unit: 1722
Filed: January 4, 2002 Docket No.: 03616.0213US01
Title: CONCRETE BLOCK AND METHOD OF MAKING SAME (as amended)

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition; Commissioner for Patents, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 on July 21, 2005.

By:

Name: Sharon Trent

PETITION TO CORRECT INVENTORSHIP UNDER
37 C.F.R. 1.48(a) and 37 C.F.R 1.48(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants respectfully petition the Commissioner to allow correction of the inventorship in accordance with 37 C.F.R. 1.48(a), due to an error in naming the correct inventors in the executed 37 CFR 1.63 oath or declaration, which occurred through an error and without deceptive intent. Applicants also petition the Commissioner to correct the inventorship in accordance with 37 C.F.R. 1.48(b) due to cancellation of claims.

37 C.F.R. 1.48(a)

In accordance with 37 C.F.R. 1.48(a), the following are enclosed in support of this petition:

- (1) A new Combined Declaration and Power of Attorney under 37 C.F.R. 1.63;

07/26/2005 MAHMED1 00000063 132725 10038639

01 FC:1464

130.00 OP

07/26/2005 MAHMED1 00000063 132725 10038639

03 FC:1464

276-00-0A

130.00 OP

- (2) The requisite fee of \$130.00 set forth in 37 C.F.R. 1.17(i);
- (3) A Petition Under 37 C.F.R. § 1.47 to allow the application to be filed without the signature of the Rule 63 Combined Declaration and Power of Attorney by Paul W. Bailey;
- (4) A Petition to Suspend the Rules Under 37 C.F.R. § 1.183 to waive the requirement for a Statement from Paul W. Bailey that the error in inventorship occurred without deceptive intent;
- (5) Written consent of the assignee; and
- (6) Certificate Under 37 C.F.R. § 3.73(b).

When the above-referenced application was filed, Ronald J. Scherer, David Matthew LaCroix and Glenn C. Bolles, were named as co-inventors. However, Paul W. Bailey, should also have been named as an inventor. Further enclosed is the assignee's consent to this change in inventorship.

37 C.F.R. 1.48(b)

In accordance with 37 C.F.R. 1.48(b), the contribution of Glenn C. Bolles is no longer being claimed in the above-referenced application due to cancellation of claims. Therefore, please delete Glenn C. Bolles as an inventor.

The requisite fee of \$130.00 set forth in 37 C.F.R. 1.17(i) is enclosed.

Consequently, the addition of Paul Bailey as an inventor to the above-referenced application and the deletion of Glenn C. Bolles as an inventor from the above-referenced application is respectfully requested.

The Commissioner is authorized to charge any additional fees that may be necessary in consideration of this petition, or credit any overpayments to, Deposit Account No. 13-2725.

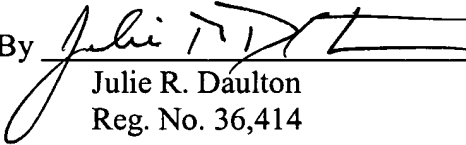
Any questions concerning this petition should be directed to the attention of the undersigned.

Respectfully submitted,



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612) 332-5300

Dated: 7-21-05

By 
Julie R. Daulton
Reg. No. 36,414

S/N 10/038639

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SCHERER et al. Examiner: Donald H. Heckenberg,
Jr.
Serial No.: 10/038639 Group Art Unit: 1722
Filed: January 4, 2002 Docket No.: 03616.0213US01
Title: CONCRETE BLOCK AND METHOD OF MAKING SAME (as amended)

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on

By: _____

Name: _____

PETITION TO CORRECT INVENTORSHIP UNDER
37 C.F.R. 1.48(a) and 37 C.F.R 1.48(b)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

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37 C.F.R. 1.48(a)

In accordance with 37 C.F.R. 1.48(a), the following are enclosed in support of this petition:

- (1) A statement by Paul W. Bailey, who is being added as an inventor;
- (2) A new Combined Declaration and Power of Attorney under 37 C.F.R. 1.63;
- (3) The requisite fee of \$130.00 set forth in 37 C.F.R. 1.17(i);
- (4) Written consent of the assignee.

When the above-referenced application was filed, Ronald J. Scherer, David Matthew LaCroix and Glenn C. Bolles, were named as co-inventors. However, Paul W. Bailey, should

also have been named as an inventor. As indicated on the enclosed statement by Paul W. Bailey, the error in inventorship occurred without deceptive intent on his part. Further enclosed is the assignee's consent to this change in inventorship.

37 C.F.R. 1.48(b)

In accordance with 37 C.F.R. 1.48(b), the contribution of Glenn C. Bolles is no longer being claimed in the above-referenced application due to cancellation of claims. Therefore, please delete Glenn C. Bolles as an inventor.

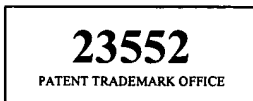
The requisite fee of \$130.00 set forth in 37 C.F.R. 1.17(i) is enclosed.

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The Commissioner is authorized to charge any additional fees that may be necessary in consideration of this petition, or credit any overpayments to, Deposit Account No. 13-2725.

Any questions concerning this petition should be directed to the attention of the undersigned.

Respectfully submitted,



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612) 332-5300

Dated:

By _____
James A. Larson
Reg. No. 40,443

JAL:mmm

S/N 10/038639

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SCHERER et al. Examiner: Donald H. Heckenberg, Jr.
Serial No.: 10/038639 Group Art Unit: 1722
Filed: January 4, 2002 Docket No.: 03616.0213US01
Title: CONCRETE BLOCK AND METHOD OF MAKING SAME (as amended)

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on

By: _____
Name: _____

**STATEMENT MADE BY PAUL W. BAILEY IN SUPPORT OF PETITION TO
CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

1. I, Paul W. Bailey, declare that I have read the Petition to Correct Inventorship under 37 C.F.R. 1.48(a) and I concur with all of the statements made therein.
2. I further declare that I am an inventor of at least some of the subject matter disclosed and claimed in the above-referenced application.
3. I further declare that the error in inventorship occurred without deceptive intent on my part.
4. I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any patent issuing from this application.

Dated: _____

Paul W. Bailey

Currently Pending Claims

24. A mold assembly for use in forming a pre-cured dry cast concrete block having upper and lower faces, a front face, a rear face, opposed side faces, and an integral flange extending below the lower face of the block, the mold assembly comprising:

a plurality of side walls defining a mold cavity having an open mold top and an open mold bottom, a first of said side walls including an undercut adjacent the open mold bottom; and

a pallet having a flat surface that temporarily closes the entire open bottom of the mold cavity, and the undercut and a portion of the flat surface of the pallet define a flange-forming subcavity configured to form the flange of the block.

25. The mold assembly of claim 24 including a stripper shoe having a face that comprises a three-dimensional pattern for introduction into the mold cavity through the open top of the mold cavity to press the patterned face of the stripper shoe on dry cast concrete contained in the mold cavity, to impart a pattern to the front face of a pre-cured concrete block.

26. The mold assembly of claim 25 wherein the pattern of the face of the stripper shoe simulates natural stone.

27. The mold assembly of claim 26, wherein said stripper shoe includes a flange surrounding the perimeter of the patterned face and said flange is arcuate so as to produce rounded edges on the front face of the concrete block.

28. The mold assembly of claim 24, wherein the remainder of said side wall with said undercut is substantially planar and extends substantially vertically.

29. The mold assembly of claim 24, wherein a second side wall of the mold, which is generally perpendicular to said first side wall, includes a first converging side wall portion that is moveably mounted so that it is movable between a first position at an

angle with respect to vertical so that the mold cavity is wider at its top than it is at its bottom when dry cast concrete is introduced into the mold cavity, and a second position in which the bottom of the mold cavity is at least as wide as the top of the mold cavity to allow the pre-cured concrete block to be discharged through the bottom of the mold cavity, wherein the first converging side wall portion extends across the entire distance of the mold cavity between two opposed side walls that are adjacent the second side wall.

30. The mold assembly of claim 29 wherein the side wall of the mold opposite said second side wall includes a second converging side wall portion which is opposite the first converging side wall portion and extends the entire distance across the mold cavity between the two opposed side walls that are adjacent the second side wall, and wherein the second converging side wall portion is moveably mounted so that it is movable between a first position at an angle with respect to vertical so that the mold cavity is wider at its top than it is at its bottom when dry cast concrete is introduced into the mold cavity, and a second position in which the bottom of the mold cavity is at least as wide as the top of the mold cavity to allow the pre-cured concrete block to be discharged through the bottom of the mold cavity.

31. The mold assembly of claim 30, wherein said converging side wall portions are pivoted near ends thereof adjacent the open mold top.

32. The mold assembly of claim 30, further including a mechanism for biasing each of said converging side wall portions to the first position.

33. The mold assembly of claim 32, wherein the mechanism for biasing each of said converging side wall portions comprises an air bag connected to each converging side wall portion.

34. The mold assembly of claim 30, wherein each of said converging side wall portions includes a substantially planar surface facing the mold cavity.

35. The mold assembly of claim 24 comprising a plurality of said mold cavities which operate with a single pallet to mold a plurality of blocks at the same time.



MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **CONCRETE BLOCK AND METHOD OF MAKING SAME**

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on January 4, 2002 as application serial no. 10/038,639, which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Attorney Docket No. 03616.0213US01

App. No. 10/038,639

I hereby appoint the attorney(s) and/or patent agent(s) associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to customer number 23552.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2 0 1	Full Name Of Inventor	Family Name Scherer	First Given Name Ronald	Second Given Name J.
	Residence & Citizenship	City Shakopee	State or Foreign Country Minnesota	Country of Citizenship USA
	Mailing Address	Address 1006 Lilac Court	City Shakopee	State & Zip Code/Country MN 55379 USA
Signature of Inventor 201:				Date:
2 0 2	Full Name Of Inventor	Family Name LaCroix	First Given Name David	Second Given Name M.
	Residence & Citizenship	City Circle Pines	State or Foreign Country Minnesota	Country of Citizenship USA
	Mailing Address	Address 3921 Flower Field Rd.	City Circle Pines	State & Zip Code/Country MN 55014 USA
Signature of Inventor 202:				Date:
2 0 3	Full Name Of Inventor	Family Name Bailey	First Given Name Paul	Second Given Name W.
	Residence & Citizenship	City Mora	State or Foreign Country Minnesota	Country of Citizenship USA
	Mailing Address	Address 2632 Highway 47	City Mora	State & Zip Code/Country MN 55051 USA
Signature of Inventor 203:				Date:

ASSIGNMENT

WHEREAS Ronald J. Scherer, residing at 1006 Lilac Court, Shakopee, Minnesota 55379, David M. LaCroix, residing at 3921 Flower Field Rd., Circle Pines, Minnesota 55014, Glenn C. Bolles, residing at 4708 Annaway Drive, Edina, Minnesota 55345, and Paul W. Bailey, residing at 2632 Highway 47, Mora, Minnesota 55051, have made certain new and useful inventions and improvements for which an application for Letters Patent of the United States was filed on January 4, 2002, application Serial No. 10/038,639 which is entitled CONCRETE BLOCK AND METHOD OF MAKING SAME (as amended).

AND WHEREAS, Anchor Wall Systems, Inc., a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 5959 Baker Road, Suite 390 Minnetonka, Minnesota 55345-5996 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.

Paul Bailey

STATE OF _____)
COUNTY OF _____) ss.

On this _____ day of _____, 20____, before me personally appeared Glenn C. Bolles to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]

Notary Public

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Tracking number 695463304039
Signed for by Signature release on file
Ship date Mar 29, 2005
Delivery date Mar 31, 2005 11:59 AM
Reference 03616.0213US01
Delivery location MORA, MN
Delivered to Residence
Service type Standard Envelope
Weight 0.5 lbs.

Status Delivered

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	4:37 PM At local FedEx facility	ST. CLOUD, MN		
	12:03 PM Delivery exception	ST. CLOUD, MN	Customer not available or business closed	
	8:38 AM On FedEx vehicle for delivery	ST. CLOUD, MN		
	8:13 AM At local FedEx facility	ST. CLOUD, MN		
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To

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MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: CONCRETE BLOCK AND METHOD OF MAKING SAME

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on January 4, 2002 as application serial no. 10/038,639, which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
b. ☐ such applications have been filed as follows:

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COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
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U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

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§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Attorney Docket No. 03616.0213US01
App. No. 10/038,639

I hereby appoint the attorney(s) and/or patent agent(s) associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



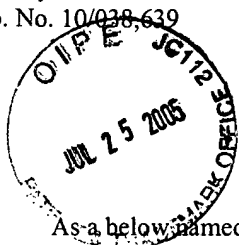
I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to customer number 23552.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Scherer	First Given Name Ronald	Second Given Name J.
0	Residence & Citizenship	City Shakopee	State or Foreign Country Minnesota	Country of Citizenship USA
1	Mailing Address	Address 1006 Lilac Court	City Shakopee	State & Zip Code/Country MN 55379 USA
Signature of Inventor 201:				Date:
2	Full Name Of Inventor	Family Name LaCroix	First Given Name David	Second Given Name M.
0	Residence & Citizenship	City Circle Pines	State or Foreign Country Minnesota	Country of Citizenship USA
2	Mailing Address	Address 3921 Flower Field Rd.	City Circle Pines	State & Zip Code/Country MN 55014 USA
Signature of Inventor 202: <i>David La Croix</i>				Date: <i>4/8/05</i>
2	Full Name Of Inventor	Family Name Bailey	First Given Name Paul	Second Given Name W.
0	Residence & Citizenship	City Mora	State or Foreign Country Minnesota	Country of Citizenship USA
3	Mailing Address	Address 2632 Highway 47	City Mora	State & Zip Code/Country MN 55051 USA
Signature of Inventor 203:				Date:



MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below-named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **CONCRETE BLOCK AND METHOD OF MAKING SAME**

The specification of which

- a. ☐ is attached hereto
 b. ☒ was filed on January 4, 2002 as application serial no. 10/038,639, which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Attorney Docket No. 03616.0213US01
App. No. 10/038,639

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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

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2 0 1	Full Name Of Inventor	Family Name Scherer	First Given Name Ronald	Second Given Name J.
	Residence & Citizenship	City Shakopee	State or Foreign Country Minnesota	Country of Citizenship USA
	Mailing Address	Address 1006 Lilac Court	City Shakopee	State & Zip Code/Country MN 55379 USA
Signature of Inventor 201: 			Date: MAY 26, 2005	
2 0 2	Full Name Of Inventor	Family Name LaCroix	First Given Name David	Second Given Name M.
	Residence & Citizenship	City Circle Pines	State or Foreign Country Minnesota	Country of Citizenship USA
	Mailing Address	Address 3921 Flower Field Rd.	City Circle Pines	State & Zip Code/Country MN 55014 USA
Signature of Inventor 202:			Date:	
2 0 3	Full Name Of Inventor	Family Name Bailey	First Given Name Paul	Second Given Name W.
	Residence & Citizenship	City Mora	State or Foreign Country Minnesota	Country of Citizenship USA
	Mailing Address	Address 2632 Highway 47	City Mora	State & Zip Code/Country MN 55051 USA
Signature of Inventor 203:			Date:	

S/N 10/038,639

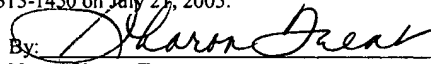
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Scherer et al.	Examiner:	D.H. Heckenberg, Jr.
Serial No.:	10/038,639	Group Art Unit:	1722
Filed:	January 4, 2002	Docket No.:	3616.213US01
Title:	CONCRETE BLOCK AND METHOD OF MAKING SAME (as amended)		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition; Commissioner for Patents, Mail Stop Amendment, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 on July 21, 2005.

By: 
Name: Sharon Trent

**CONSENT OF THE ASSIGNEE IN SUPPORT OF: (i) PETITION UNDER
37 C.F.R. § 1.48(a); AND (ii) PETITION UNDER 37 C.F.R. 1.47(a)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450


Dear Sir:

1. I, Douglas A. Strawbridge, declare that I am the Co-CEO and General Counsel for Anchor Wall Systems, Inc., 5959 Baker Road, Suite 390, Minnetonka, Minnesota, 55345-5996, the assignee of the above-referenced application.
2. I further declare that I have read and am fully aware of the above-referenced application which is assigned to Anchor Wall Systems, Inc. by virtue of Assignment filed on April 11, 2002 and recorded at reel 012796, frame 0451.

3. I further declare that I have read and am fully aware of the Petition to Correct Inventorship under 37 C.F.R. § 1.48(a) that seeks to amend the inventorship of the above-referenced application by adding Paul Bailey as an inventor.
4. I further declare that the Assignee consents to the addition of Paul Bailey as an inventor in the above-referenced patent application.
5. I further declare that I have read and am fully aware of the Petition Under 37 C.F.R. § 1.47(a).
6. I further declare that the assignee consents to the application being filed under the provisions of 37 C.F.R. § 1.47(a).
7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any patent issuing from this application.

Dated: 18 JULY 2005




Douglas A. Strawbridge
Co-CEO and General Counsel

S/N 10/038,639



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Scherer et al.	Examiner:	D.H. Heckenberg, Jr.
Serial No.:	10/038,639	Group Art Unit:	1722
Filed:	January 4, 2002	Docket No.:	3616.213US01
Title:	CONCRETE BLOCK AND METHOD OF MAKING SAME (as amended)		

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By: 
Name: Sharon Trent

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)


Anchor Wall Systems, Inc., a corporation organized and existing under the laws of the State of Minnesota, having a place of business at 5959 Baker Road, Suite 390, Minnetonka, Minnesota 55345-5996, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor(s), of the patent application identified above. The assignment was recorded in the Patent and Trademark Office on April 11, 2002, at Reel 012796, Frame(s) 0451.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are

punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 18 JULY 2005

By: 
Name: Douglas A. Strawbridge
Title: Co-CEO and General Counsel

